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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/010,973
Filing Date	December 5, 2001
First Named Inventor	Paul R. Nash
Art Unit	2151
Examiner Name	Phillips, Hassan A.
Attorney Docket Number	112076-138354

ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
  - [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):

Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Schwabe, Williamson & Wyatt, P.C.		
Signature			
Printed name	Robert C. Peck		
Date	August 22, 2006	Reg. No.	56,826

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Yvette L. Chriscaden	Date	August 22, 2006

PTO/SB/17 (01-06)
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AF/ZW

Fees TRANSMITTAL for the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	500

Complete if Known	
Application Number	10/010,973
Filing Date	December 5, 2001
First Named Inventor	Paul R. Nash
Examiner Name	Phillips, Hassan A.
Art Unit	2151
Attorney Docket No.	112076-138354

METHOD OF PAYMENT (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 500393 Deposit Account Name: Schwabe, Williamson et al

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims		Extra Claims		Fee ($)		Fee Paid ($)
_____	- 20 or HP =	_____	x	_____	=	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims		Fee ($)		Fee Paid ($)
_____	- 3 or HP =	_____	x	_____	=	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee ($)		Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____	(round **up** to a whole number) x	_____	=	_____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Appeal Brief	500

SUBMITTED BY

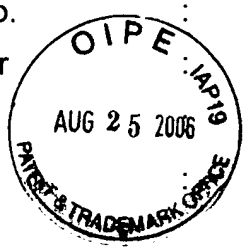
Signature		Registration No. (Attorney/Agent) 56,826	Telephone 503-222-9981
Name (Print/Type)	Robert C. Peck		Date August 22, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By: _____ Date: August 22, 2006
Yvette L. Chriscaden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences



App. No.	:	10/010,973 Confirmation No.: 8414
Inventor	:	Nash et al.
Filed	:	December 5 , 2001
Title	:	LOCATOR BASED ASSISTED INFORMATION BROWSING
Art Unit	:	2151
Examiner	:	Phillips, Hassan A.
Customer No.	:	25,943

MAIL STOP: APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF IN SUPPORT OF APPELLANT'S APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

This appeal furthers the Notice of Appeal filed on June 23, 2006. The appeal arises from a final decision by the Examiner in the final Office Action, dated March 23, 2006. The final decision was in response to arguments filed on December 28, 2005, in response to an earlier office action, mailed October 18, 2005.

Appellants submit this *Brief on Appeal*, including payment in the amount of $500.00 to cover the fee for filing the *Brief on Appeal*. Appellants respectfully request

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consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

Real Party in Interest:

The Real Party in Interest is Hall Aluminum, LLC of Los Altos, California, successor in interest to Assignee Xoucin, Inc. by virtue of the assignment to Xoucin recorded with the United States Patent and Trademark Office on April 5, 2002, at Reel 012782 Frame 0734.

Related Appeals and Interferences:

To the best of Appellants' knowledge, there are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Appellants appeal the rejection of claims 1-65. Claims 1-65 were pending and claims 1-65 were rejected in the Final Office Action dated March 23, 2006. Claims 1-65 are reproduced, as pending, in Appendix A.

Status of Amendments:

Appellants have offered no amendments subsequent to the Examiner's final rejection.

Summary of the Claimed Subject Matter:

Independent claim 1 is directed towards *a method* that comprises

> "determining based at least in part on content of a locator of a first information page requested to be retrieved and displayed on a client system, whether to provide information browsing assistance for the first information page, said content of the locator identifying the first information page and a location from which the first information page is to be retrieved; and

conditionally providing said information browsing assistance based at least in part on said determination."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures capable of performing the operations recited by claim 1, in some embodiments. Element 102 and Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser adapted to perform the operations recited by claim 1, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations of claim 1, in accordance with various embodiments. Figure 5 is described in greater detail on page 13, line 9 through page 14, line 4. Figure 7 illustrates one embodiment of an exemplary digital system suitable for use to practice the method recited in claim 1. Figure 7 is described in greater detail on page 15, lines 5-25.

Independent claim 19 is directed towards *an apparatus*, which, in substance, is claim 1 in apparatus form. Claim 19 recites an apparatus comprising:

"storage medium having stored therein executable instructions designed to enable the apparatus to,

determine, based at least in part on content of a locator of a first information page requested to be retrieved and displayed, whether to provide information browsing assistance, said content of the locator identifying the first information page and a location from which the first information page is to be retrieved, and

conditionally provide said information browsing assistance based at least in part on said determination; and

at least one processor coupled to the storage medium to execute the executable instructions."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures capable of performing the operations of the instructions stored by the apparatus recited by claim 19, in some embodiments. Element 102 and

Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser adapted to perform the operations of the instructions stored by the apparatus recited by claim 19, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations performable by the apparatus of claim 19, in accordance with various embodiments. Figure 5 is described in greater detail on page 13, line 9 through page 14, line 4. Figure 7 illustrates one embodiment of an exemplary digital system apparatus of claim 19. Figure 7 is described in greater detail on page 15, lines 5-25.

Independent claim 35 is directed towards *a method* that comprises

"receiving a request from a client system for executable instructions designed to enable the client system to conditionally provide information browsing assistance based at least in part on content of a locator of a first information page requested to be retrieved and displayed, said content of the locator identifying said first information page and a location from which said first information page is to be retrieved; and

in response, providing said client system with said requested executable instructions."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures comprising the executable instructions recited by claim 35, in some embodiments. Element 102 and Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser/client system capable of issuing the request and receiving the response recited by claim 35, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations of the client system having received the instructions claim 35, in accordance with various embodiments. Figure 5 is described in greater detail on page 13, line 9 through page 14, line 4. Element 604 of Figure 6b illustrates a Portal or Service Server adapted to perform the operations recited by claim 35, in various embodiments. Element 604 and Figure 6b generally are described in greater detail

on page 14, line 15 through page 15, line 2. Figure 7 illustrates one embodiment of an exemplary digital system suitable for use to practice the method recited in claim 35. Figure 7 is described in greater detail on page 15, lines 5-25.

Independent claim 50 is directed towards *a server system* that comprises

"storage medium having stored therein at least a selected one of

(a) first executable instructions designed to enable a first client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed, and
second executable instructions designed to provide the first client system with said first executable instructions in response to a request by the first client system for said first executable instructions, and

(b) third executable instructions designed to enable the server system to conditionally provide information browsing assistance to a second client system based at least in part on content of a second locator of a second information page requested to be retrieved and displayed for said second client system,

said content of the first and second locators identifying said first and second information pages, and a first and a second location from which said first and second information pages are to be retrieved respectively; and

at least one processor coupled to the storage medium to execute at least one of said second and third executable instructions."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures comprising one or more of the executable instructions recited by claim 50, in some embodiments. Element 102 and Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser/client system of claim 50, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations of the client system and/or server system of claim 50, in accordance with various embodiments. Figure 5 is described

in greater detail on page 13, line 9 through page 14, line 4. Element 604 of Figure 6b illustrates a server system of claim 50, in various embodiments. Element 604 and Figure 6b generally are described in greater detail on page 14, line 15 through page 15, line 2. Figure 7 illustrates one embodiment of an exemplary digital system capable of performing as the server system recited in claim 50. Figure 7 is described in greater detail on page 15, lines 5-25.

Independent claim 64 is directed towards *a computer readable medium* that comprises

> "a storage medium; and
>
> a plurality of executable instruction stored in the storage medium, and
>
> > designed to enable a client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed on the client system."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures comprising the executable instructions recited by claim 64, in some embodiments. Element 102 and Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser/client system capable of processing the executable instructions recited by claim 64, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations of the client system having received the instructions claim 64, in accordance with various embodiments. Figure 5 is described in greater detail on page 13, line 9 through page 14, line 4. Figure 7 illustrates one embodiment of an exemplary digital system including a storage device as recited in claim 64. Figure 7 is described in greater detail on page 15, lines 5-25.

Independent claim 65 is directed towards *a computer readable medium* that comprises

> "a storage medium; and

at least a first or a second plurality of instructions stored in the storage medium,

the first executable instructions designed to enable a first server system to provide a first client system with third executable instructions in response to a request by the first client system for said third executable instructions, the third executable instructions designed to enable the first client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed on the first client system, and

the second executable instructions designed to enable the first or a second server system to conditionally provide information browsing assistance to a second client system based at least in part on content of a second locator of a second information page requested to be retrieved and displayed for said second client system;

said content of the first and second locators identifying said first and second information pages, and a first and a second location from which said first and second information pages are to be retrieved respectively."

Element 102 of Figure 1 illustrates augmented locator based assistance functions and data structures comprising one or more of the executable instructions recited by claim 65, in some embodiments. Element 102 and Figure 1 generally are described in greater detail on page 7, line 6 through page 8, line 7. Figure 2 illustrates a browser/client system of claim 65, in accordance with various embodiments. Figure 2 is described in greater detail on page 8, line 10 through page 9, line 25. Figure 5 illustrates a flowchart view of selected operations of the client system and/or server system of claim 65, in accordance with various embodiments. Figure 5 is described in greater detail on page 13, line 9 through page 14, line 4. Element 604 of Figure 6b illustrates a server system of claim 65, in various embodiments. Element 604

and Figure 6b generally are described in greater detail on page 14, line 15 through page 15, line 2. Figure 7 illustrates one embodiment of an exemplary digital system including a storage device as recited in claim 65. Figure 7 is described in greater detail on page 15, lines 5-25.

Grounds For Rejection To Be Argued On Appeal:

I. Claims 1-4, 9-12, 16-22, 25-27, 31-39, 42-44, 48-53, 56-58 and 62-65 stand rejected as being unpatentable over U.S. Patent Publication No. 2001/0054064 to *Kannan* (hereinafter "Kannan"), in view of U.S. Patent No. 6,456,303 to *Walden et al.* (hereinafter "Walden") under 35 U.S.C. § 103(a).

II. Claims 5-8, 23, 24, 40, 41, 54 and 55 stand rejected as being unpatentable over Kannan and Walden, in view of US Patent No. 6,397,246 to *Wolfe* (hereinafter "Wolfe") under 35 U.S.C. § 103(a).

III. Claims 13, 28, 45 and 59 stand rejected as being unpatentable over Kannan and Walden, in view of U.S. Patent No. 5,960,429 to *Peercy et al.* (hereinafter "Peercy") under 35 U.S.C. § 103(a).

IV. Claims 14, 15, 29, 30, 46, 47 60 and 61 stand rejected as being unpatentable over Kannan and Walden, in view of U.S. Patent No. 6,026,409 to *Blumenthal* (hereinafter "Blumenthal") under 35 U.S.C. § 103(a).

Arguments:

I. Rejections of claims 1-4, 9-12, 16-22, 25-27, 31-39, 42-44, 48-53, 56-58 and 62-65 under 35 U.S.C. § 103 (a) were improper because Kannan and Walden, alone or in combination, fail to teach or suggest the claimed invention when the invention as claimed in claims 1-4, 9-12, 16-22, 25-27, 31-39, 42-44, 48-53, 56-58 and 62-65 is viewed as a whole. Also, the proposed combination of Kannan and Walden rely on impermissible hindsight without sufficient motivation for one skilled in the art to make the combination.

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner to (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. In applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141. In addition, "[I]t is impermissible [for the Examiner] to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps. ... The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *In re Gorman*, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991).

Claim 1 recites a "method comprising

"determining based at least in part on content of a locator of a first information page requested to be retrieved and displayed on a client system, whether to provide information browsing assistance for the first information page, said content of the locator identifying the first information page and a location from which the first information page is to be retrieved; and

conditionally providing said information browsing assistance based at least in part on said determination."

Thus, when viewed as a whole, claim 1 is directed towards a novel method of "determining based . . . on content of a locator of a first information page . . . whether to provide information browsing assistance for the first information page."

In contrast, Walden at best discloses a method of using URLs to access online help information. The URLs of Walden are provided as a browser window for a user to click on and to receive a page identified by a URL link (see Walden, column 7, lines 12-52). Thus, Walden merely shows the basic purpose of a URL, i.e., using a URL to retrieve information, and is not equivalent to "determining based . . . on the content of a locator of a first information page . . . whether to provide information browsing assistance for the first information page." The only determination inherent in receiving a link-click by a user and returning the page identified by the link is the determination of where to retrieve the page from. Simply determining where to retrieve an information page from in no way teaches or suggests "determining . . . whether to provide information browsing assistance for a first information page."

Further, when viewed as a whole, claim 1 recites a method of determining the information browsing assistance (which is defined to be additional to or in place of the first information page in light of the specification) based on the content of a locator of the first information page, where the locator identifies the first information page. The only determination made based on the content of the URL in Walden is where to retrieve the information page from that is identified by the URL. Thus, even if we are to ignore the fact that a URL in Walden does not read on the locator of claim 1, Walden still fails to teach the required feature of determining whether to provide information browsing assistance to an information page being requested based on the content of the URL of the requested information page.

Kannan does not remedy the deficiencies of Walden. At best, Kannan discloses a service manager that may determine from the browser data in the customer profile or the customer's behavior whether the customer needs help. Kannan does not determine whether or not to provide help based on the content of a locator of a requested page. In the instant case, there is no clear and particular teaching or suggestion in Kannan to incorporate the features of Walden, and there is no teaching or suggestion in Walden to incorporate the features of Kannan.

Therefore, the Applicants contend that there is no way the Examiner could find motivation to combine the cited prior art references without deriving such teaching, suggestion from hindsight judgment, in view of the instant application.

Therefore, for at least the foregoing reasons, claim 1 is patentable over Walden and Kannan, individually or in combination under 35 U.S.C. § 103(a).

Independent claims 19, 35, 50, 64 and 65 recite similar limitations to the present invention as claimed in claim 1. Accordingly, for at least the same reasons, claims 19, 35, 50, 64, and 65 are patentable over Walden and Kannan under 35 U.S.C. § 103(a).

Claims 2-4, 9-12, 16-18, 20-22, 25-27, 31-34, 36-39, 42-44, 48-49, 51-53, 56-58, and 62-63 depend from claims 1, 19, 35, and 50 respectively. Thus, for at least the same reasons, claims 2-4, 9-12, 16-18, 20-22, 25-27, 31-34, 36-39, 42-44, 48-49, 51-53, 56-58, and 62-63 are patentable over Walden and Kannan under 35 U.S.C. § 103(a).

Additionally, claim 9 is further patentable over Kannan and Walden as those references do not teach or suggest "wherein the method further comprises downloading said URL based conditions and their corresponding information browsing assistance specifications from a server system onto said client system." Kannan merely teaches the downloading of a service applet to the client, the applet capable of monitoring browing behavior of the client and informing a service agent of the server system of the behavior. It is the service agent of the server that then applies any sort of URL-based conditions that may be used in determining whether to provide information browsing assistance. Accordingly, Kannan simply does not suggest downloading such conditions to the client when it is the server, not the client, in Kannan that uses the conditions. Walden does not speak to these limitations.

II. Rejections of claims 5-8, 23, 24, 40, 41, 54 and 55 under 35 U.S.C. § 103(a) were improper because Kannan, Walden and Wolfe, alone or in combination, fail to teach or suggest the claimed invention when the invention as claimed in claims 5-8, 23, 24, 40, 41, 54 and 55 is viewed as a whole. Also, the proposed combination of Kannan, Walden and Wolfe rely on impermissible hindsight without sufficient motivation for one skilled in the art to make the combination.

As stated above, Walden and Kannan, individually or combined, fail to teach or suggest required, recited operations of the present invention, as claimed in claims 1, 19, 35, and 50. Wolfe fails to cure these deficiencies. Accordingly, for at least the foregoing reasons, claims 1, 19, 35 and 50 are patentable over Walden, Kannan and Wolfe, individually or in combination, under 35 U.S.C. § 103(a).

Claims 5-8, 23, 24, 40, 41, 54, and 55 depend from claims 1, 19, 35, and 50, respectively, incorporating their limitations. Consequently, for at least the same reasons, claims 5-8, 23, 24, 40, 41, 54, and 55 are patentable over the combination of Walden, Kannan, and Wolfe.

Additionally, claims 6, 24, 41, and 55 are patentable over Walden, Kannan, and Wolfe, as the references combined fail to teach or suggest "wherein each URL pattern comprises a plurality of portions correspondingly stored in a plurality of nodes of a tree data structure, with the plurality of nodes having a child leaf node specifying information browsing assistance to be provided; and said matching comprises traversing said tree data structure." Absolutely no tree data structure is mentioned in any of the references or suggested by the references. Wolfe simply teaches determining an advertisement to provide to a client based on a URL requested by the client. Nothing suggests having portions of the requested URL correspond to nodes in a tree structure. In fact, the determining is discussed as being based on the whole URL, not on individual portions, which suggests a list

rather than a tree as a suitable way to achieve the purpose of Wolfe. Claims 7 and 8 depend from claim 6 and are thus also patentable for these additional reasons.

III. Rejections of claims 13, 28, 45 and 59 under 35 U.S.C. § 103(a) were improper because Kannan, Walden and Peercy, alone or combined, fail to teach or suggest the claimed invention when the invention as claimed in claims 13, 28, 45 and 59 is viewed as a whole. Also, the proposed combination of Kannan, Walden and Peercy rely on impermissible hindsight without sufficient motivation for one skilled in the art to make the combination.

As stated above, Walden and Kannan, individually or combined, fail to teach or suggest required, recited operations of the present invention, as claimed in claims 1, 19, 35, and 50. Peercy fails to cure these deficiencies. Accordingly, for at least the foregoing reasons, claims 1, 19, 35 and 50 are patentable over Walden, Kannan and Peercy, individually or in combination, under 35 U.S.C. § 103(a).

Claims 13, 28, 45, and 59 depend from claims 1, 19, 35, and 50, respectively, incorporating their limitations. Consequently, for at least the same reasons, claims 13, 28, 45, and 59 are patentable over Walden, Kannan, and Peercy, individually or in combination, under 35 U.S.C. § 103(a).

IV. Rejections of claims 14, 15, 29, 30, 46, 47, 60 and 61 under 35 U.S.C. § 103(a) were improper because Kannan, Walden and Blumenthal, alone or combined, fail to teach or suggest the claimed invention when the invention as claimed in claims 14, 15, 29, 30, 46, 47, 60 and 61 is viewed as a whole. Also, the prosed combination of Kannan, Walden and Blumenthal rely on impermissible hindsight without sufficient motivation for one skilled in the art to make the combination.

As stated above, Walden and Kannan, individually or combined, fail to teach or suggest required, recited operations of the present invention, as claimed in claims 1, 19, 35, and 50. Blumenthal fails to cure these deficiencies. Accordingly, for at least the foregoing reasons, claims 1, 19, 35 and 50 are patentable over Walden, Kannan and Blumenthal, individually or in combination, under 35 U.S.C. § 103(a).

Claims 14, 15, 29, 30, 46, 47, 60, and 61 depend from claims 1, 19, 35, and 50, respectively, incorporating their limitations. Consequently, for at least the same reasons, claims 14, 15, 29, 30, 46, 47, 60, and 61 are patentable over the combination of Walden, Kannan, and Blumenthal.

Additionally, claims 14, 29, 46, and 60 are patentable over Walden, Kannan, and Blumenthal, as the references combined fail to teach or suggest "modifying one or more environmental attributes of the browsing environment." Blumenthal simply teaches a search and retrieval system including a viewing window providing global and local views of digitally stored information. Nothing in Blumenthal mentions or suggests environmental attributes, much less modifying such attributes. Accordingly, claims 14, 29, 46, and 60 are patenable over the cited art for these additional reasons. Also, claims 15, 30, 47, and 61 depend from claims 14, 29, 46, and 60, respectively, and are thus also patentable over the cited art for these additional reasons.

Conclusion

Appellants respectfully submit that all the appealed claims in this application are patentable and request that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted, along with Check Number 1423 for $500.00 to cover the filing of appeal brief. We do not believe any additional fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our deposit account 500393. In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

Date: August 22, 2006

Robert C. Peck, Reg. No. 56,826
Agent for Appellant Applicants

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Seattle, WA 98101
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Appendix A – Appealed Claims

1. (Previously Presented) A method comprising:

determining based at least in part on content of a locator of a first information page requested to be retrieved and displayed on a client system, whether to provide information browsing assistance for the first information page, said content of the locator identifying the first information page and a location from which the first information page is to be retrieved; and

conditionally providing said information browsing assistance based at least in part on said determination.

2. (Previously presented) The method of claim 1, wherein said locator comprises a uniform resource locator (URL).

3. (Original) The method of claim 1, wherein said determining comprises analyzing whether a locator based condition for providing information browsing assistance is met.

4. (Previously presented) The method of claim 1, wherein

said locator comprises a uniform resource locator (URL);

said determining comprises analyzing whether said URL satisfies a URL based condition for providing information browsing assistance is met.

5. (Previously presented) The method of claim 4, wherein

said URL based condition comprises a URL pattern specifying a family of URLs; and

said analysis comprises matching said URL against a plurality of URL patterns.

6. (Original) The method of claim 5, wherein
each URL pattern comprises a plurality of portions correspondingly stored in a plurality of nodes of a tree data structure, with the plurality of nodes having a child leaf node specifying information browsing assistance to be provided; and said matching comprises traversing said tree data structure.

7. (Original) The method of claim 6, wherein the method further comprises downloading said tree data structure from a server system onto said client system.

8. (Original) The method of claim 5, wherein the method further comprises downloading said URL patterns and their corresponding information browsing assistance specifications from a server system onto said client system.

9. (Original) The method of claim 4, wherein the method further comprises downloading said URL based conditions and their corresponding information browsing assistance specifications from a server system onto said client system.

10. (Original) The method of claim 1, wherein said information browsing assistance comprises displaying a second information page.

11. (Original) The method of claim 10, wherein said second information page effectively replaces said first information page.

12. (Original) The method of claim 10, wherein said second information page is additionally displayed complementing said first information page.

13. (Original) The method of claim 10, wherein said second information page comprises a plurality of locators identifying a plurality of information pages and

corresponding locations from which the identified information pages of said second information page are to be retrieved.

14. (Previously Presented) The method of claim 1, wherein said information browsing assistance comprises modifying one or more environment attributes of the browsing environment within which said determining and conditional provision of information browsing assistance are performed.

15. (Previously Presented) The method of claim 14, wherein said one or more environment attributes comprise one or more of a display resolution attribute, a color resolution attribute, a font selection attribute, a media player preference attribute, an add-on selection attribute, and a plug-in selection attribute.

16. (Original) The method of claim 1, wherein the method further comprises receiving a request to retrieve and display said first information page, said request including said locator.

17. (Original) The method of claim 16, wherein the method further comprises

in response to said receive of a request, notifying a monitor function of a browser helper of said receipt; and

said monitor function, in response to receipt of said notification, notifying an analyzer function of said browser helper, which performs said determining and conditional provision of information browsing assistance.

18. (Original) The method of claim 17, wherein the method further comprises executing said monitor function as an extension of a browser, and executing said analyzer function external to said browser.

19. (Previously Presented) An apparatus comprising:

storage medium having stored therein executable instructions designed to enable the apparatus to,

determine, based at least in part on content of a locator of a first information page requested to be retrieved and displayed, whether to provide information browsing assistance,

said content of the locator identifying the first information page and a location from which the first information page is to be retrieved,

and

conditionally provide said information browsing assistance based at least in part on said determination; and

at least one processor coupled to the storage medium to execute the executable instructions.

20. (Original) The apparatus of claim 19, wherein said locator comprises a uniform resource locator (URL).

21. (Original) The apparatus of claim 19, wherein said executable instructions are designed to enable the apparatus to perform said determining by analyzing whether a locator based condition for providing information browsing assistance is met.

22. (Original) The apparatus of claim 19, wherein

said locator comprises a uniform resource locator (URL); and

said executable instructions are designed to enable the apparatus to perform said determining by analyzing whether said URL satisfies a URL based condition for providing information browsing assistance is met.

23. (Previously presented) The apparatus of claim 22, wherein

said URL based condition comprises a URL pattern specifying a family of URLs; and

said executable instructions are designed to enable the apparatus to perform said analysis by matching said URL against a plurality of URL patterns.

24. (Original) The apparatus of claim 23, wherein

each URL pattern comprises a plurality of portions correspondingly stored in a plurality of nodes of a tree data structure, with the plurality of nodes having a child leaf node specifying information browsing assistance to be provided; and

said executable instructions are designed to enable the apparatus to perform said matching comprises traversing said tree data structure.

25. (Original) The apparatus of claim 19, wherein said executable instructions are designed to enable the apparatus to provide said information browsing assistance by displaying a second information page.

26. (Original) The apparatus of claim 25, wherein said executable instructions are designed to enable the apparatus to display said second information page in a manner that effectively replaces said first information page.

27. (Original) The apparatus of claim 25, wherein said executable instructions are designed to enable the apparatus to additionally display said second information page complementary to said first information page.

28. (Original) The apparatus of claim 25, wherein said second information page comprises a plurality of locators identifying a plurality of information pages and

corresponding locations from which the identified information pages of said second information page are to be retrieved.

29. (Previously Presented) The apparatus of claim 19, wherein said executable instructions are designed to enable the apparatus to provide said information browsing assistance by modifying one or more environment attributes of the browsing environment within which said determining and conditional provision of information browsing assistance are performed.

30. (Previously Presented) The apparatus of claim 29, wherein said one or more environment attributes comprise one or more of a display resolution attribute, a color resolution attribute, a font selection attribute, a media player preference attribute, an add-on selection attribute, and a plug-in selection attribute.

31. (Original) The apparatus of claim 19, wherein said executable instructions are further designed to enable the apparatus to receive a request to retrieve and display said first information page, said request including said locator.

32. (Original) The apparatus of claim 31, wherein said executable instructions are designed to implement a browser helper including at least a monitor function and an analyzer function, with the monitor function of the browser helper being designed to receive a notification of said receipt, and in response, notifying said analyzer function of receipt of said notification, and said analyzer function in turn performs said determining and conditional provision of information browsing assistance.

33. (Original) The apparatus of claim 32, wherein said executable instructions are designed to implement said monitor function as an extension of a browser, and said analyzer function as an external function to said browser.

34. (Original) The apparatus of claim 33, wherein the apparatus is a selected one of a wireless telephone, a palm sized personal digital assistant, a notebook computer, a desktop computer, and a set top box.

35. (Previously Presented) A method comprising:

receiving a request from a client system for executable instructions designed to enable the client system to conditionally provide information browsing assistance based at least in part on content of a locator of a first information page requested to be retrieved and displayed, said content of the locator identifying said first information page and a location from which said first information page is to be retrieved; and

in response, providing said client system with said requested executable instructions.

36. (Original) The method of claim 35, wherein said locator is a uniform resource locator (URL).

37. (Previously Presented) The method of claim 35, wherein said executable instructions are designed to perform a selected one of (a) enabling the client system to determine whether a locator based condition for providing information browsing assistance is met, and (b) enabling the client system to provide said locator to a server system for the server system to determine for said client system whether a locator based condition for providing information browsing assistance is met.

38. (Previously Presented) The method of claim 37, wherein said server system is the same server system performing said receiving and said responsive providing.

39. (Previously Presented) The method of claim 35, wherein

said locator comprises a uniform resource locator (URL); and

said executable instructions are designed to perform a selected one of (a) to enable the client system to determine whether said URL satisfies a URL based condition for providing information browsing assistance is met, and (b) to enable the client system to provide said URL to a server system for the server system to determine for said client system whether a locator based condition for providing information browsing assistance is met.

40. (Previously Presented) The method of claim 39, wherein
said URL based condition comprises a URL pattern specifying a family of URLs; and either (a) said executable instructions are designed to enable the client system to match said URL against a plurality of URL patterns, or (b) the method further comprises a server system matching said URL against a plurality of URL patterns for said client system.

41. (Previously Presented) The method of claim 40, wherein
each URL pattern comprises a plurality of portions correspondingly stored in a plurality of nodes of a tree data structure, with the plurality of nodes having a child leaf node specifying information browsing assistance to be provided; and

either (a) said executable instructions are designed to enable the client system to perform said matching by traversing said tree data structure, or (b) the method further comprises a server system performing said matching by traversing said tree data structure for said client system.

42. (Previously presented) The method of claim 35, wherein either (a) said executable instructions are designed to enable the client system to provide said information browsing assistance by displaying a second information page, or (b) the method further comprises a server system providing said information browsing

assistance to said client system by causing a second information page to be displayed on said client system.

43. (Original) The method of claim 42, wherein said second information page is displayed in a manner that effectively replaces said first information page.

44. (Original) The method of claim 42, wherein said second information page is additionally displayed in a manner that is complementary to said first information page.

45. (Original) The method of claim 42, wherein said second information page comprises a plurality of locators identifying a plurality of information pages and corresponding locations from which the identified information pages of said second information page are to be retrieved.

46. (Previously Presented) The method of claim 35, wherein either (a) said executable instructions are designed to enable the client system to provide said information browsing assistance by modifying one or more environment attributes of the browsing environment of said client system, or (b) the method further comprises a server system providing said information browsing assistance to said client system by modifying an environment attribute of the browsing environment of said client system.

47. (Previously Presented) The method of claim 46, wherein said one or more environment attributes comprise one or more of a display resolution attribute, a color resolution attribute, a font selection attribute, a media player preference attribute, an add-on selection attribute, and a plug-in selection attribute.

48. (Previously presented) The method of claim 35, wherein said executable instructions are designed to implement a browser helper including at least a monitor function, designed to receive a notification of a receipt of a request for said first information page, and in response, notifying an analyzer function of receipt of said notification.

49. (Previously Presented) The method of claim 48, wherein either (a) said browser helper further includes said analyzer function to perform said conditional provision of information browsing assistance, in response to receipt of said notification, or (b) the method further includes a server having said analyzer function to perform said conditional provision of information browsing assistance for said client system, in response to receipt of said notification from said client system.

50. (Previously Presented) A server system comprising:

storage medium having stored therein at least a selected one of

(a) first executable instructions designed to enable a first client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed, and second executable instructions designed to provide the first client system with said first executable instructions in response to a request by the first client system for said first executable instructions, and

(b) third executable instructions designed to enable the server system to conditionally provide information browsing assistance to a second client system based at least in part on content of a second locator of a second information page requested to be retrieved and displayed for said second client system,

said content of the first and second locators identifying said first and second information pages, and a first and a second location from

which said first and second information pages are to be retrieved respectively; and

at least one processor coupled to the storage medium to execute at least one of said second and third executable instructions.

51. (Previously presented) The server system of claim 50, wherein said locator comprises a uniform resource locator (URL).

52. (Original) The server system of claim 50, wherein

said first executable instructions are designed to enable the first client system to determine whether a first locator based condition for providing information browsing assistance is met, and

said third executable instructions are design to enable the server system to determine for said second client system whether a second locator based condition for providing information browsing assistance is met.

53. (Previously presented) The server system of claim 50, wherein

said first and second locators comprise a first and a second uniform resource locator (URL), respectively;

said first executable instructions are designed to enable the first client system to determine whether said first URL satisfies a first URL based condition for providing information browsing assistance is met; and

said third executable instructions are design to enable the server system to determine for said second client system whether said second URL satisfies a second URL based condition for providing information browsing assistance is met.

54. (Previously presented) The server system of claim 53, wherein
said first and second URL based condition comprise a first and a second URL pattern, respectively;

said first and second URL patterns specify a first and a second family of URLs, respectively;

said first executable instructions are designed to enable the first client system to match said first URL against a first plurality of URL patterns; and

said third executable instructions are design to enable the server system to match said second URL against a second plurality of URL patterns for said second client system.

55. (Original) The server system of claim 54, wherein

each URL pattern comprises a plurality of portions correspondingly stored in a plurality of nodes of a tree data structure, with the plurality of nodes having a child leaf node specifying information browsing assistance to be provided; and

said first executable instructions are designed to enable the first client system to perform said matching by traversing a first tree data structure;

said third executable instructions are designed to enable the server system to perform said matching by traversing a second tree data structure for said second client system.

56. (Original) The server system of claim 50, wherein

said first executable instructions are designed to enable the first client system to provide said information browsing assistance by displaying a second information page; and

said third executable instructions are designed to enable the server system to provide said information browsing assistance to said client system by causing a second information page to be displayed on said client system.

57. (Original) The server system of claim 56, wherein said second information page is displayed in a manner that effectively replaces said first information page.

58. (Original) The server system of claim 56, wherein said second information page is additionally displayed in a manner that is complementary to said first information page.

59. (Original) The server system of claim 56, wherein said second information page comprises a plurality of locators identifying a plurality of information pages and corresponding locations from which the identified information pages of said second information page are to be retrieved.

60. (Previously Presented) The server system of claim 50, wherein

said first executable instructions are designed to enable the first client system to provide said information browsing assistance by modifying at least a first environment attribute of the browsing environment of said first client system; and

said third executable instructions are designed to enable the server system to provide said information browsing assistance to said client system by modifying at least a second environment attribute of the browsing environment of said second client system.

61. (Previously Presented) The server system of claim 60, wherein each of said at least first and second environment attributes comprise one or more of a display resolution attribute, a color resolution attribute, a font selection attribute, a media player preference attribute, an add-on selection attribute, and a plug-in selection attribute.

62. (Previously presented) The server system of claim 50 wherein said first executable instructions are designed to implement a browser helper including at least a monitor function, designed to receive a notification of a receipt of a request

for said first information page, and in response, notifying an analyzer function of receipt of said notification.

63. (Original) The server system of claim 62, wherein said browser helper further includes said analyzer function to perform said conditional provision of information browsing assistance, in response to receipt of said notification.

64. (Previously Presented) A computer readable medium comprising:

a storage medium; and

a plurality of executable instruction stored in the storage medium, and designed to enable a client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed on the client system.

65. (Previously Presented) A computer readable medium comprising:

a storage medium; and

at least a first or a second plurality of instructions stored in the storage medium,

the first executable instructions designed to enable a first server system to provide a first client system with third executable instructions in response to a request by the first client system for said third executable instructions, the third executable instructions designed to enable the first client system to conditionally provide information browsing assistance to itself based at least in part on content of a first locator of a first information page requested to be retrieved and displayed on the first client system, and

the second executable instructions designed to enable the first or a second server system to conditionally provide information browsing assistance to a second client system based at least in part on content of a second locator of a second information page requested to be retrieved and displayed for said second client system;

said content of the first and second locators identifying said first and second information pages, and a first and a second location from which said first and second information pages are to be retrieved respectively.

Appendix B – Copies of Evidence Submitted

No evidence has been submitted under 37 C.F.R. 1.130, 1.131, or 1.132. No evidence entered by Examiner has been relied upon by Appellants in the appeal.

Appendix C – Related Proceedings Appendix

None. To the best of Appellants' knowledge, there are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.